

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PHILIP YORK,

Plaintiff,

v.

**CAPITAL MANAGEMENT
SERVICES INC.**

Defendant.

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Case No. 12-cv-8824

**Honorable Milton I. Shadur
Magistrate Michael T. Mason**

DEFENDANT'S RULE 12(b)(6) MOTION TO DISMISS

Defendant, Capital Management Services, LP ("CMS"), moves to dismiss plaintiff's complaint pursuant to Rule 12(b)(6). In support, CMS files contemporaneously herewith and incorporates by reference herein its Memorandum of Law in Support of its Rule 12(b)(6) Motion to Dismiss.

WHEREFORE, defendant, Capital Management Services, LP, requests this Court to dismiss plaintiff's complaint, and for such other and further relief the Court deems just and appropriate.

CAPITAL MANAGEMENT SERVICES, LP

By: /s/ Matthew T. Kinst

One of its attorneys

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